

MEG:PAS
F. #2020R00726

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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20-MJ-913

UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

**COMPLAINT AND AFFIDAVIT IN
SUPPORT OF ARREST WARRANT**

ANDRE SIMONS,
also known as “Chinx,”
“Chinx Cartel,” “New York”
and “Rxcet BinSavii,”

(18 U.S.C. § 1201(a)(1))

20-MJ-XXX

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JAMES FALLON, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Upon information and belief, on or about March 9, 2020, within the Eastern District of New York, defendant ANDRE SIMONS, also known as “Chinx,” “Chinx Cartel,” “New York” and “Rxcet BinSavii,” together with others, did knowingly and intentionally seize, confine, inveigle, kidnap, abduct and carry away and hold, for ransom and reward and otherwise, one or more persons, to wit: John Doe-1, John Doe-2 and Jane Doe, and use one or more means, facilities and instrumentalities of interstate and foreign commerce, to wit: a cellular telephone, in committing and in furtherance of the commission of the offense.

(Title 18, United States Code, Sections 1201(a)(1), 2 and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been involved in the investigation of numerous cases involving gangs and violent crimes involving kidnappings, armed robberies and firearms offenses. I am familiar with the facts and circumstances set forth below from my personal involvement in the investigation, my review of the investigative file and reports of other law enforcement personnel involved in the investigation. Where I describe the statements of others, I do so only in sum and substance and in part.

2. On or about March 9, 2020, at approximately 11:30 a.m., SIMONS, and three co-conspirators ("CC-1," "CC-2" and "CC-3"), participated in the armed kidnapping of a Brooklyn man ("John Doe-1") along with John Doe-1's step-father ("John Doe-2"), a senior citizen, and John Doe's mother ("Jane Doe"), in the Eastern District of New York.²

3. During interviews by the New York City Police Department ("NYPD"), John Doe-1 stated that on or about March 9, 2020, at approximately 11:30 a.m. he was working on his laptop computer in an apartment located in Brooklyn, New York. John Doe-1 heard a knock at the front door and, after looking through the peephole, saw a

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² John Doe-1 has not received any benefits related to this investigation. John Doe-1's criminal history includes one conviction in Pennsylvania for access device fraud. John Doe-2 and Jane Doe have not received any benefits related to this investigation and they do not have criminal records.

man, later identified as SIMONS, wearing a brown United Parcel Services (“UPS”) shirt. SIMONS was carrying a brown box consistent with being a delivery man. SIMONS was not wearing a mask.

4. Once John Doe-1 opened the door, SIMONS and two other male perpetrators, CC-1 and CC-2, who were wearing ski masks, forced their way into the apartment. During the course of these interactions, John Doe-1 was hit in the head with what he believed was a firearm. John Doe-1 also recognized the voice of CC-1 as a man he (John Doe-1) had drank and smoked marijuana with in the weeks leading up to March 9, 2020. After CC-1 spoke, CC-2 then told CC-1 to stop talking and to let SIMONS do all of the talking as they had planned.

5. According to both John Doe-2 and Jane Doe, at approximately 11:30 a.m. they were watching television in their bedroom when they heard shouting coming from their living room. SIMONS, CC-1 and CC-2 then ran into their bedroom. According to Jane Doe initially, CC-1 and CC-2 pointed firearms at John Doe-2 and Jane Doe and demanded in sum and substance, “where is the \$60,000 dollars?”³

6. Over approximately the next two hours the perpetrators searched throughout the apartment as John Doe-1 and John Doe-2 were placed on the floor of the bedroom and bound with materials the perpetrators brought and Jane Doe was bound on the bed. According to Jane Doe, during the search, one of the perpetrators used a cellphone to

³ This and all other statements by the victims and eyewitnesses to law enforcement are set forth in sum and substance and in part. In addition, based upon subsequent statements and conversations with law enforcement, Jane Doe appears to be describing a situation that was fluid in which firearms were exchanged by the perpetrators multiple times over the course of the conduct.

call another person and asked in sum and substance, “bro, I don’t see it here,” and “bro where is it at?” Based upon my training and experience and consultation with other law enforcement agents, I have reason to believe that there was an additional perpetrator, CC-3, who received this phone call.

7. According to the victims, SIMONS, CC-1 and CC-2 stole approximately \$2,000 in cash, jewelry, three cellphones, a laptop and two firearms—a .38 Smith & Wesson and a .9mm Smith & Wesson. The firearms were legally in the home as John Doe-2 was a security guard who was licensed to possess and carry the firearms. After approximately two hours the perpetrators eventually left the apartment and Jane Doe was able to free herself and have a neighbor call 911.

8. NYPD officers were able to locate surveillance cameras within the vicinity of victims’ apartment building that captured SIMONS both before and after the crimes. Before the crimes, SIMONS was captured on surveillance video wearing what appears to be a gray sweatshirt, dark colored pants, Michael Jordan sneakers, UPS vest and a brown hat, as well as carrying a brown box. He was not wearing a mask.

9. After the crimes, SIMONS was also captured on surveillance camera wearing what appears to be a multi-colored jacket, a gray sweatshirt, dark colored pants, Michael Jordan sneakers and a hat as he holds what appears to be the same brown box. He was not wearing a mask, was smiling and the surveillance camera captures a clear image of SIMONS face.

10. NYPD crime scene officers were able to recover a latent right palm print on a cabinet in the victims’ apartment that was a match for SIMONS’s right palm print.

11. On May 7, 2020, SIMONS was arrested for this offense. After he was arrested, NYPD detectives showed a double blind photo array to Jane Doe containing a photo of SIMONS. Jane Doe identified SIMONS as one of the perpetrators of the crimes.

12. On May 11, 2020, SIMONS admitted his participation in the crime in-question with a female caller in a recorded jail:

SIMONS: Yo.

Female Caller: Yo.

SIMONS: Yo.

Female Caller: What you. What's. What's that's the Newkirk shit?⁴

SIMONS: Yea.

Female Caller: Mmm, I had a feeling.

SIMONS: Haha.

Female Caller: I'm like, yea this [expletive], but I don't be telling nobody nothing, so when your father was asking me I was just like, "I don't know."

SIMONS: Yea. I don't want.

Female Caller: Cause, I know you don't be telling nobody nothing, so.

SIMONS: Yea.

Female Caller: What you doing now? How you feel?

SIMONS: Shit, I'm heated, but then again I can't be heated, why? I did it to myself.

⁴ The crime occurred at an apartment near Newkirk Avenue in Brooklyn, New York.

Later in the same jail call, SIMONS identified himself as the individual in the
UPS uniform:

SIMONS: . . . I'm really not involved in it, but then again, I am
involved in it, because you see me in a UPS outfit . . .

WHEREFORE, your deponent respectfully requests that an arrest warrant be
issued for defendant ANDRE SIMONS so that he may be dealt with according to law.

James Fallon

/VMS

JAMES FALLON
Special Agent, Federal Bureau of Investigation

Sworn to me by telephone through the transmission of this
Affidavit by reliable electronic means, pursuant to
Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this
6th day of October, 2020

Vera M Scanlon

THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK